

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2002-010188

04/19/2006

HON. ROSA MROZ

CLERK OF THE COURT  
G. Verbil  
Deputy

IN RE THE MARRIAGE OF  
JAMES DANA

FILED: 04/24/2006

SCOTT E STEWART

AND

AMANDA VASQUEZ

RONALD L KOSSACK

MINUTE ENTRY

Courtroom 603

10:53 a.m. This is the time set for Resolution Management Conference in this matter. Petitioner/Father is present and represented by counsel, Scott E. Stewart. Respondent/Mother is present and represented by counsel, Ronald L. Kossack.

A recording of this proceeding is made by CD (FTR) in lieu of a court reporter.

The Court is informed that the parties have reached an agreement regarding custody and parenting time as follows:

- The parties have agreed to share joint legal and physical custody of the minor children, **Ashton Dana** (born July 17, 1998) and **Wesston Dana** (born October 12, 2000);
- The parties are committed to a 5-2-2-5 parenting time schedule;
- The parties agree that the children will remain in their current schools.

Further details of the parenting plan will be worked out by the parties.

James Dana and Amanda Vasquez are sworn.

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**THE COURT FINDS** that the parties' agreement is fair, equitable, and is in the best interests of the minor children.

**THE COURT FURTHER FINDS** that the parties have knowingly, voluntarily and intelligently entered into the agreement. The parties have done so without duress or coercion, and they are fully informed as to the contents of this agreement.

Accordingly,

**IT IS ORDERED** approving the parties' agreement as a binding agreement pursuant to Rule 69 of the Arizona Rules of Family Law Procedure.

Both parties agree that a trial of 2 hours is sufficient to resolve all of the remaining issues in this case.

**IT IS ORDERED** setting Trial to the Court on June 1, 2006 at 1:30 p.m. (time allotted: 2 hours) in this division before:

**Honorable Rosa Mroz  
Central Court Complex  
201 West Jefferson  
6<sup>th</sup> Floor, Courtroom 603  
Phoenix, Arizona 85003**

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), *Arizona Rules of Family Law Procedure*, each party will be allowed 50 minutes presumptive time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**DISCLOSURE/DISCOVERY**

**IT IS ORDERED** with regard to discovery and disclosure requirements:

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1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits **at least 30 days prior to trial**.

2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed **at least 15 days prior to trial**.

3. Counsel and both parties shall personally meet, face to face, at least **twenty (20) days** prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

**JOINT PRE-TRIAL STATEMENT**

**IT IS ORDERED** that the parties shall file and provide this Division with a copy of a **Joint** Pretrial Statement pursuant to Rule 76, *Arizona Rules of Family Law Procedure*, no later than **10 days prior to trial**.

**IT IS FURTHER ORDERED** that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

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4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.

5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.

6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.

7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).

8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), *Arizona Rules of Family Law Procedure*.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), *Arizona Rules of Family Law Procedure* and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**EXHIBITS**

**IT IS ORDERED** that, if either party has more than 5 exhibits to be marked, arrangements shall be made with the Clerk of this Division **at least three (3)** days prior to trial to schedule a time to deliver said exhibits to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

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**FINDINGS OF FACT**

**IT IS FURTHER ORDERED** that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, *Arizona Rules of Family Law Procedure*, **shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial.** Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

**SETTLEMENT**

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, *Arizona Rules of Family Law Procedure*.

**NOTE:** Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

**POSTPONEMENTS AND SCHEDULE CHANGES**

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

**NOTE:** All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division three (3) court business days before the scheduled hearing.

**IT IS ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/ s/ HON. ROSA MROZ

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JUDICIAL OFFICER OF THE SUPERIOR COURT

10:57 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.